



EXPEDITED PERMITTING OPTIONS

INTRODUCTION

Criteria Two of the Green Communities Program states that communities need to adopt an ***expedited application and permitting process*** under which as-of-right energy facilities (criterion #1) may be sited within the municipality and which shall not exceed 1 year from the date of initial application to the date of final approval.

Such an expedited application and permitting process applies only to the proposed facilities which are subject to the as-of-right siting provisions, and documentation that all permits necessary to site proposed facilities can be issued within the 1 year deadline is required.

Note: Municipalities can also meet this requirement by applying the expedited permitting process of MGL Chapter 43D to the as-of-right zoning district(s), which has a one hundred and eighty day (180) deadline requirement.

COMPLIANCE

Standard One Year Process

To meet this criterion municipalities need to have rules and regulations in place governing permit issuance such that all local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority – applicable to the siting and construction of clean energy facilities within the relevant zoning district(s) can be issued within 1 year of submission of a completed application.

In regard to documentation, municipalities will have already demonstrated that they have by-right zoning allowing clean energy facilities (criterion #1). Thus, communities need to show that other provisions of the zoning (e.g. site plan review), as well as other local regulations, allow permitting within one year. In order to document compliance with the Green Communities expedited permitting criterion (criterion #2)

municipalities must provide DOER a letter from legal counsel affirming that nothing within the municipality's rules and regulations precludes issuance of a permitting decision within one year along with the language addressing approval procedures and associated timing from any applicable bylaws/ordinances or regulations.

Municipalities should also be aware that once designated a Green Community they will be required to report annually on their permitting of clean energy projects within as-of-right zoning districts. Communities not adhering to the 365 day permitting requirement will be at serious risk of losing their Green Community designation.

MGL c 43D Priority Development Sites

A municipality may also meet the Green Communities expedited permitting criterion by providing for as-of-right siting of renewable or alternative energy generation or manufacturing or research and development (R&D) facilities within a Priority Development site approved pursuant to Chapter 43D by the interagency Permitting Board. The municipality will be required to provide documentation that demonstrates that the designated as-of-right zoned area and the 43D Priority Development Site overlap. If meeting the criterion by allowing the by-right construction of either renewable or alternative energy (R&D) or manufacturing facilities, the municipality will be required to provide a letter from the municipality's legal counsel providing documentation that a Priority Development Site approved pursuant to Chapter 43D by the Interagency Permitting Board applies to enough land within the district zoned for the by-right siting of energy facilities to construct at least 50,000 square feet of (R&D) or manufacturing space in the aggregate. However, communities are encouraged to make the procedures expediting the permitting of renewable or alternative energy projects uniform throughout a zoning district in order to avoid confusion and facilitate siting and construction of renewable or alternative energy facilities.

Note: The materials developed to assist communities with issuance of permits within 180 days as required by Chapter 43D will also help communities looking to expedite permitting for the purpose of becoming a Green Community.

FOR MORE INFORMATION

[43D Website:](#)